



For information

UPDATE ON THE NATIONAL IMMIGRATION DETENTION FRAMEWORK

For the Minister

ISSUE

The purpose of this briefing note is to provide an update on the progress of the National Immigration Detention Framework (NIDF) since your announcement in August 2016. The Canada Border Services Agency (CBSA) has demonstrated its determination to address long-standing challenges in immigration detention through the implementation of numerous NIDF initiatives and continued commitment to further improve the immigration detention system.

BACKGROUND

In August 2016, the NIDF was announced marking the beginning of an ambitious transformation agenda that sought to significantly improve detention infrastructure across the country, reduce the CBSA's reliance on the use of provincial correctional facilities for the holding of immigration detainees, introduce an expanded suite of alternatives to detention to support the release of individuals from detention, and to introduce national policies and standards that would enable Canada to meet its international commitments towards detention.

Prior to the implementation of the NIDF, the average length of detention was above 24.9 days, over 43% of all detainees were being held in a facility other than an Immigration Holding Centre (IHC), upwards of 200 unaccompanied or accompanied minors were being housed or detained annually, there were significant variations in the use of alternatives to detention across the country, resulting in inconsistent application of policies, and there lacked consistency in the way IHCs were designed and managed. The introduction of the NIDF has had positive effects on the detention program, aligning outcomes with our commitments to Canadians. Since the launch of the NIDF nearly three years ago, the CBSA has made significant progress on a number of initiatives.

CONSIDERATIONS

Under the NIDF, the CBSA has made investments in improving the delivery of its immigration detention program, focusing primarily on initiatives that will lead to a more humane, dignified and risk based detention process. Specifically, the CBSA has made improvements to its IHCs

across the country, with investments in the construction of two new facilities in Surrey, British Columbia and Laval, Quebec, as well renovations to the existing facility in Toronto, Ontario. These improvements include, among other things, introducing risk-based living units which enable the CBSA to hold higher-risk detainees within the IHC environment; standardizing and improving access to services within the IHC which include medical, religious, legal and NGO services; introducing flexible and integrated space for family and professional visits; removing carceral elements of the IHC design such as bars on the windows and barbed-wire fencing; increasing access to recreational space indoors and outdoors; and introducing innovative space to host select Immigration Refugee Board (IRB) hearings on-site at the IHC or via videoconference. These improved facilities are on track to be operational beginning this summer and progressing into 2021, when the new Laval IHC will open its doors.

We are proud to showcase our achievements in the area of Alternatives to Detention (ATDs). Since the expanded ATD program was launched in June 2018, over 1700 individuals have been enrolled onto an ATD, highlighting significant progress in securing the release of individuals who may not otherwise have had viable alternatives prior to implementation. The CBSA continues to monitor the use of ATDs across all regions, and work with established partners, such as the John Howard Society, the Salvation Army and the Toronto Bail Program, to evolve the program and augment awareness, both internally and externally, so that greater program participation and compliance are achieved.

Through measures implemented under the NIDF, including enhanced oversight, governance and broader application of ATDs, the CBSA continues to reduce the number of long term detainees in detention (persons detained for over 99 days), and the use of provincial correctional facilities. Since NIDF implementation, the number of people in detention for over 99 days has dropped by 47% largely attributable to the implementation of operational practices put in place to ensure all actions toward removal are being pursued and potential release options continue to be explored. The CBSA has also significantly increased the use of its IHCs, representing over 69% of all detentions in 2018-19. Over the coming year, the CBSA will continue to explore options related to long-term detention and will continue to reduce our reliance on provincial correctional facilities, particularly in Ontario and British Columbia.

The CBSA continues to work diligently at finding mechanisms to support the most vulnerable individuals in detention, including minors and those with mental health needs. Since 2016, the CBSA has observed a 41% decrease in the number of minors detained or housed, despite a spike in foreign national entries and irregular arrivals. The introduction of anticipated regulatory amendments at the end of June 2019, are expected to contribute to greater consistency and transparency with the view to further reduce the number of minors in the detention system.

Following a commitment made in Budget 2019, and to further support the transparent delivery of the detention program, the CBSA continues to support efforts to establish an independent review and complaints body, known as the Public Complaints and Review Commission (PCRC). The introduction of this independent body, in addition to the independent detention monitoring activities conducted by the Canadian Red Cross, will fill a gap in public safety accountability, enhance public confidence and strengthen the CBSA.

Through the contribution and dedication of staff across the Agency, the CBSA has realized some significant milestones in our detention transformation agenda. These initiatives contribute to the continued renewal of the CBSA by improving program delivery and modernizing our approach to operations.

NEXT STEPS

The CBSA continues to be fully committed to providing you with updates on the progress of all NIDF deliverables. Over the course of the summer we will continue to advance commitments under the NIDF which include, the opening and transition of operations to new or retrofitted IHCs in Toronto, ON and Surrey, B.C.; the transition of pilot ATD initiatives such as voice reporting and electronic monitoring to end-state national solutions;

Please note that I am available to discuss, or have CBSA officials brief your staff, at your convenience.

John Ossowski
President

c.c.: Mrs. Gina Wilson, Deputy Minister
Public Safety Canada



Input to Global Affairs Canada for the Prime Minister (PM) – President of the United States (POTUS) Meeting

ISSUE

The CBSA has been tasked by Public Safety (PS) and Global Affairs Canada (GAC) to review material for the upcoming PM-POTUS meeting scheduled for June 20, 2019.

The CBSA International Policy and Partnerships Directorate has reviewed and updated the proposed material provided by PS and has developed a short policy statement in consultation with Communications on Entry/Exit for consideration by GAC.

Statement drafted by CBSA on Entry/Exit

“The integrity of our shared border is our top priority. As part of securing the border, the Entry/Exit initiative in its current form permits Canada and the U.S. to exchange biographic entry information on all travellers, except Canadian citizens. As of July 2019, the implementation of the final phase of this initiative will allow for Canadian and American citizens a streamlined, faster and more secure process when crossing our shared land border, as the entry into one country serves as an exit record from the other. This will ensure the integrity of our immigration system, protect our social programs, better manage the border as well as combat cross-border threats.”

Material provided by Public Safety

Note: CBSA amendments in red

Overall topline message: Canada is a reliable and integral partner in ensuring the safety and security of both country's citizens across a range of security issues including:

- Building a secure and efficient border through the ratification of the Land, Rail, Marine and Air Preclearance Agreement
- Building a secure and efficient border through the completion of Entry/Exit information sharing at our land border, to begin in mid-July 2019;
- Providing mutual support in times of natural disasters, such as sending support to combat wildfires in British Columbia and Idaho, or responding to Hurricane Harvey;
- Enhancing law enforcement cooperation in areas of emerging threats that cross borders such as cybersecurity and combatting drugs.

Border security

Committed secure, efficient border, reducing barriers that limit trade by working together to put new preclearance framework in place;

- Committed to completing the February 2017 border agenda – implementation of land Entry/Exit by mid-July 2019.
- Committed to the ratification of the Land, Rail, Marine and Air (LRMA) Preclearance Agreement in July 2019.
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Emergency Management:

- Emergency management is a responsibility that is shared across all jurisdictions, including all orders of government, the private sector, communities, volunteer and non-governmental organizations, first responders and other stakeholders, including citizens – and, indeed, across borders.
- Our countries share more than common values; we also share a common geography and vulnerability to greater risks from disasters.
- We rely on our mutual support to bolster our efforts to reduce those risks and to respond to disasters when they occur. We have seen this support from the U.S. sending first responders to assist in the suppression of wildfires in British Columbia, and from Canada reciprocating when those wildfires burned in Idaho, and when Hurricane Harvey devastated Texas and Louisiana.
- We are also actively engaged with our U.S. counterparts through the Emergency Management Consultative Group (EMCG), a forum that was established in order to discuss cross border emergency management issues that affect both our countries and people and our shared experiences.

Law Enforcement:

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- The RCMP and CBSA meet with U.S. partners (Homeland Security Investigations Coast Guard, Customs and Border Protection) on a regular basis to discuss related operations/investigations, the criminality and threats in their respective regions and where applicable possible solutions/enforcement action required.

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President's Office time stamp / Timbre dateur du bureau du président



Canada Border Services Agency Agence des services
frontaliers du Canada

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ROUTING SLIP / BORDEREAU D'ACHEMINEMENT

		ACTION REQUIRED / MESURE REQUISE	
Name and telephone number/ Nom et numéro de téléphone	Initials and date / Initiales et date	Action	Information
President/Président John Ossowski	<i>Seen by Pres</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Executive Vice-President/ Premier(ière) vice-président(e)		<input type="checkbox"/>	<input type="checkbox"/>
Vice-President/ Vice-présidente Kathy Thompson	<i>K Thompson</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director General/ Directeur général Tafal Dakalbab Tel./Tél. : 613-946-3183	<i>Tafal Dakalbab</i> <i>2019/06/17</i>		
Proactive Disclosure / Divulgence proactive : Can this subject/title be released in its entirety to the public? / Cet objet/cet titre peut-il être rendu public en entier? <input type="checkbox"/> Yes / Oui <input checked="" type="checkbox"/> No / Non			
Subject/Objet : Document (Type): Action/Mesure :	Proposed Pilot Projects with United States-Customs and Border Protection <i>Memorandum</i> For approval / Pour approbation		
<i>Please find enclosed a memorandum and chart with the CBSA's proposed pilot projects that could be explored with the US CBP.</i>			
Consultation : CTB, IEB, TB, CARM, FCMB, CTOB, and ISTB.			

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MEMORANDUM

To: John Ossowski, President
From: Kathy Thompson, Vice-President, Strategic Policy Branch
Subject: Proposed Pilot Projects with United States-Customs and Border Protection

You are scheduled to have a bilateral meeting with the A/Commissioner of the United States Customs and Border Protection (US-CBP) in Washington on Tuesday, June 18, 2019. We have been informed that the A/Commissioner has requested that we move the meeting start time by 15 minutes to 2:15pm.

The relevant background material and speaking points on this topic will be provided to you electronically, prior to your meeting with the A/ Commissioner on June 18, 2019.

As part of your discussions, you had requested information on possible pilot projects that the Canada Border Services Agency (CBSA) could undertake with US-CBP. Based on an internal consultation across the Agency, we have prepared the attached table which identifies ten possible pilot project concepts, for your consideration. Given their readiness and alignment with current CBSA priorities, it is recommended the CBSA pursue discussing the two pilots listed below.

- 1.
- 2.

We will be seeking additional details on the remaining pilot projects and will update you accordingly.

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Please note that with the federal election being held on October 21, 2019, we will be entering the "caretaker convention" period, during which time the government will need to restrict itself in the actions it carries out. Consequently, any and all cooperation with the U.S. on the proposed pilots would need to be deferred

Kathy Thompson, Vice-President
Strategic Policy Branch

ATTACHMENT

1. Proposed Pilot Projects with United States-Customs and Border Protection